

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20114-KMW

UNITED STATES OF AMERICA

vs.

CARLOS RAMON POLIT FAGGIONI,

Defendant.

**NOTICE OF FILING EXHIBITS RELATING TO GOVERNMENT’S PROPOSED 404(b)
EVIDENCE**

The United States, by and through undersigned counsel, hereby files this Notice of Filing Exhibits Relating to Government’s Proposed 404(b) Evidence (DE 108). At the hearing on March 26, 2024, the Court asked the government to file the relevant exhibits relating to the scheme by the defendant and co-conspirator 1 to launder bribe proceeds from Spanish businessperson 1. The Court further asked the government to highlight the relevant portion of the exhibits. The government seeks to introduce four exhibits (attached and highlighted) briefly summarized in the below timeline. (Ex. 11-1A, 11-2A, 11-3A, and 11-5A).

Ex. 11-5A (Ecuador Attorney General Press Release) ¹

- **March 2, 2015:** Ecuador’s attorney general received notice that Spanish businessperson 1’s company had a tax-related dispute with the Ecuadorian government.

Ex 11-1A (Email between Co-Conspirator 1 and Spanish Businessperson 1) ²

- **March 18, 2015:** Co-Conspirator 1 emails Spanish Businessperson 1 with the subject line “Transfer for our friend” and asks for the payment of 109,8000 euros to be sent to an account in Spain. (Ex. 11-1A).

¹ The government seeks to admit this press release as a certified foreign public record.

² The government seeks to admit this email under the hearsay exception for co-conspirator statements and present sense impression.

- **March 28, 2015:** Spanish businessperson 1 forwards co-conspirator 1's email to an associate of Spanish businessperson 1 noting that "CP" had called an hour earlier and said that his son "JCP" would call him. [Note: CP are the defendant's initial; JCP are co-conspirator 1's initials].

Spanish businessperson 1 described the conversation with "CP" and that the legal department of the president would have to resolve the issue and that "CP" would "take care" of the possible intervention of his friend "A.M."

- **March 31, 2015:** Spanish businessperson 1 emails co-conspirator 1 that the transfer of 109,800 euros was completed.

Ex. 11-2A (Email between defendant's personal account and Spanish Businessperson 1) ³

- **January 8, 2016:** Spanish businessperson 1 emails the defendant to request a meeting at the Ecuadorian president's residence.
- **January 11, 2016:** Defendant notes that he has already spoken to a cabinet official to speak with the Ecuadorian president.

Ex. 11-3A (Email between defendant's personal account and Spanish Businessperson 1) ⁴

- **April 8, 2016:** Spanish businessperson 1 emails the defendant that the issues with the Ecuadorian tax authorities were not resolved and would be going to arbitration.
- **April 18, 2016:** Defendant apologizes to Spanish businessperson 1 and suggests having Spanish businessperson 1's lawyer visit.

³ The government seeks to admit this email as a statement of a party opponent.

⁴ The government seeks to admit this email as a statement of a party opponent.

For the foregoing reasons, and the reasons outlined in prior filings, the United States respectfully requests that the Court permit the introduction of this evidence relevant to the money laundering conspiracy involving defendant and co-conspirator 1.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

GLENN S. LEON
CHIEF, FRAUD SECTION
Criminal Division
U.S. Department of Justice

By: /s/ Michael N. Berger
Michael N. Berger
Assistant United States Attorney
Court No. A5501557
99 Northeast 4th Street
Miami, Florida 33132
(305) 961-9445
(305) 536-4699 (fax)
Michael.Berger2@usdoj.gov

By: /s/ Jil Simon
Jil Simon
Court No. A5502756
Alexander Kramer
Fraud Section, Criminal Division
1400 New York Ave. NW
Washington, DC 20005
Tel: (202) 514-3257
Jil.Simon@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Court's CM/ECF system on March 29, 2024.

By: /s/ Michael N. Berger
Assistant United States Attorney